App. F. IX-4

Previous References 1934 (Mezrai)

File No. 289-34
Serial Nos. 1-2

Later References.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 2

Part B for August 35

SUBJECT.

Cancellation of the inam tenure of S. no 81 endowed to the temple of Sri Gramadevathe at Pavagada

8/2 To the Mez Coms .. Compliance
" Revl Coms .. Director of L.R & Surveyor
WD 01965—GPB—15,000—7-7-34
No 98-107 of 3-8-35
Sanctioning recommendation

F. III—1]

GENERAL AND REVENUE SECRETARIAT.

(Mangalore

NOTES.

File No. 289-04

FILE HEADING.

Cancellation of inam tenure of S.No 81, enjoyed by the Temple of Sri Gramadevate at Pallagudda

FROM

The Mangalore Commissioner of Kasaba

No. 1021/34-35 Dated 5-2-1935 Received 9-4-1935

Diary No. 1123	Enclos. 1	Spare copies	Serial No. 1

BRIEF ABSTRACT OF LETTER

Regarding action to be taken in the cancellation of the inam tenure of the land bearing S.No 81 enjoyed by the Temple of Sri Gramadevate at Pallagudda

NOTES AND ORDERS.

Briefly stated the facts of the case are that S.No 81 (garden 25 guntas in extent) assessed at Rs 1-4-0 and jodi Rs 1-4-0, of Pallagudda Kasaba which bears the original survey number 77 is said to have been endowed as an inam land to the Temple of Gramadevate Sri Kollapuradamma at Pallagudda, and that about the year 1880, this land was brought

NOTES—First Sheet

WD 02552—GPB—5,000—10-7-30

under ~~cultivation~~ assessed waste as there were no ~~Dharkast~~ Varasdars. The khata was made in the name of one Ranga in 1885-86 and it was subsequently changed on 23rd Feb 1907 to Ranga eldest son of the original Khatedar as per order of the Jamabandi Officer. Finally the khata of the land was made in the name of Mr. Sankara Setty of Pakyode on 18th October 1922 in accordance with a Varga-Vargi application.

2) The person now in actual possession and enjoyment of the land is one Mr. Sanjiva Setty who has refused to deliver possession of the land to the Resthakar, on notice from the Taluk Amildar, on the ground that he is the owner of the land by sale. The Taluk authorities are of opinion that the land being in adverse possession of private parties cannot be resumed to Govt.

3) The land having been treated as "Kiran" in the Re-survey records and the Temple having claimed no benefit from 1880, the D.C. recommends sanction to the cancellation of the Kiran tenure of the land. The M.C. recommends sanction to the cancellation.

4) In this connection it is submitted that it is seen from the records & books that the Kiran in question

has been confirmed as the Inam Vesthe as a Dalavaya inam and has been granted for performing "patarajya Seva" to Gramadevatha, during Jatra every year. and there is no entry in the inam Register to show that the inam tenure in question had subsequently been cancelled by Competent authority. (vide also page 15 of list of Muzrai Institutions - Palayada Tk) The inam is therefore current and not ex

It is stated that the inam land had brought under assessed waste on the ground that there were no "Varadars" In the case of a Temple, it is the deity installed therein that is the lead Wardadar of all endowments made therefor, and the ~~stated~~ ground put forth above does not seem to be tenable to put an end to the tenure of the inam and that, the non-competent authority, (Taluk authorities)

The entire action of the authorities in having treated the inam land as Sirkar waste, in having made it khata in the name of Rangaya in 1885-86 and also in having given it to the ~~[illegible]~~ Devasthanam Committee, seems to be quite unauthorized and opposed to the provisions of Section 9 of the Regulation VII 1927. ~~[illegible]~~ The Temple should therefore it seems, be allowed possession and enjoyment of the inam land.

NOTE—Contn Sheet

Tenure of the land endorsed
Re temple at Davajok

File No. of 193 | General and Revenue Secretariat

As regards the other point — the main land being in the adverse possession of private parties, reference is invited to Section 10 of the Regulation VII of 1927. It is for consideration whether it is the main provision of this Section or the second proviso thereunder, that seems to be applicable to this case. From the circumstances of the case it is doubtful whether the private party's possession of the land can be construed as "adverse" so as to allow him ownership by such adverse possession and thereby to deprive the Temple of possession and enjoyment of the land through the unauthorised acts of the lower authorities for which Govt may not hold itself responsible. The land may perhaps be resumed from the party under Section 10 and restored to the Temple.

If, on the other hand, it is considered that the second proviso to Section 10 is applicable to the case, then, it is competent for the Kachcheri Officer to cancel the main tenure and also to take further action as indicated therein and the case for cancellation of the main tenure of the land need not come up to Govt for sanction.

14) Quite so 2/25/6

9 As the service for which the inam land was granted is not being performed as ordered the main tenure of the land has become void.

10) The income from the land should go to the man who performs the required service in the temple if the service was actually kept up. Hence the question of restoration of the land to the temple does not arise.

11) As the inam land is to be resumed unless waste Sotra such a long 80-time being no claimant to the land for claim of the rescinded service-tenure of, full assessment must have been levied.

12 The present annual value of the land is said to be sufficient to settle the land. The Mc therefore recommends that the proposal of the D.C. Tanjore to cancel the inam tenure of the land may be sanctioned.

13 The recommendation of the Mc may be sanctioned in the circumstances explained.

Recd 27/6/35

For reasons explained in the despatch above the proposal of the D.C. to cancel the maintenance of the land which is supported by the Mc. may be sanctioned.

Gen: Secy) [illegible]
4 Nov

25/6

1 Mr 5/7.35

8/7

RECEIVED 20 JUNE 35 486

OFFICE OF THE SECOND MEMBER OF COUNCIL. 6 JULY 1935 NOTE—Contn Sheet No. 81

File No. 289 of 1934 | General Secre

Please put up revised draft bringing the details in the note 2/7/37

(K. 12/3/37)
Copy typed
18/5/1937

Read
2nd
2/7/37

TYPING SECTION.
15 JUL 1935
GENL & REV SECTT.

1. The Mercy Comr ; Revenue Comr 2.
Comptroller & Director of L Rs and
Survey Settlement -
No 98-101 of 3-8-35-

Sanctions the recommendation

C 13.]
No. 1021/34-35

Uncl 289-34-1

OFFICE OF THE MUZRAI COMMISSIONER,
IN MYSORE,

Dated, Bangalore, 5th April ..... 1935.

FROM

N. MADHAVA RAO, ESQ., B.A., B.L.,
Muzrai Commissioner in Mysore.

1128

To

Rajasevasakta
R. Ranga Rao, Esq., B.A.,
Chief *Secretary to the Government of His Highness*
the Maharaja of Mysore,
Bangalore. Department.

SIR,

Cancellation of the [illegible] in favour of [illegible] for the erection of a Girls' Elementary School at [illegible].

I have the honour to forward herewith a copy of Inam Order No. [illegible] of 34-35 dated 7-3-1935 from the Deputy Commissioner, [illegible] on the above subject for [illegible].

2. The facts of the case are fully explained in the Deputy Commissioner's letter. In short, the grantee in this case [illegible] service in the village for which Inam was granted, but has [illegible] as there is no Girls' school in the village. The Deputy Commissioner's letter and [illegible] still as trustee of the Inam. The Deputy Commissioner's letter and [illegible] by both of the present holders, [illegible] restore the land to the village [illegible] large amount to improve it. I [illegible] circars.

3. In the circumstances, [illegible] cancellation of the Inam temporarily [illegible] dation of the sanction of the Government [illegible] from the Land Revenue.

[illegible]

[illegible]
Muzrai Commissioner.

Ref: No.M.2099/34-35 dated 7-2-35 from the [illegible] addressed to the Revenue Divisional Officer, Gudivada.

Subject:- Cancellation of the inam tenure of [illegible] belonging to the temple of Sri Gnanadevatha on the plea.

I have the honour to state that the [illegible] assessed at Rs. 1-4-0 and Rs. 1-4-0 of Nuzvid village [illegible] original S.No.77 which is found from the [illegible] original Girijal patrika, to have been granted [illegible] of Gnanadevatha on the plea [illegible] 650 the land was [illegible] under [illegible] village account No. 7 [illegible]. The plea was made that the [illegible] of the year [illegible] of the [illegible] Gnanadevatha, without [illegible] original Girijal [illegible] Inamdar officer. Finally the [illegible] the land [illegible] Rs. 10-10-1[illegible] [illegible] registration.

2. The person who is in actual enjoyment of the land as present is one Mr. Benjiva Seshu of Ravigudem. [illegible] issued a notice to Mr. Benjiva Seshu of Ravigudem stating that the land is in the possession of the temple in question, Mr. V. Benjiva Seshu has returned the reply that he purchased the land from Ramaya who has been [illegible] a lot of money over its improvements, and that he cannot give away the land to the Devasthanam free of cost. [illegible] Sirsani and the original [illegible] Girijal patrika [illegible] information about the land. In the above circumstances, the Inamdar states that the land is in [illegible] possession and enjoyment of private parties and that action for resumption cannot be taken. The cancellation of the inam tenure has therefore been proposed by the Inamdar.

3. The Suit rent register is reported to contain a note in pencil (unattested) that the Inam tenure is not in force, and that land is now in the enjoyment of someone. It is however not clear in the circumstances of the case I request that the Inam may kindly be cancelled. The entire connected file is herewith sent for your perusal.

"COPY"

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

Letter No.116/34-35 dated 27-3-35 from the Director of Land Records [illegible] ore to the Muzrai Commissioner in Mysore.

"With reference to your letter No.1021/5-35 dated 17/20th March 35 requesting to intimate how the Inam (S.No.31) of Javagonahalli village in the Arsikere Taluk at the place, was brought on the Inam Settlement [illegible] ed as Inam to the temple, whether and hence to subsequently cancelled, I have the honour to state that it is seen from the Inam records that the Inam in question has been confirmed on the [illegible] rubble and [illegible] Inam was also granted for performing the Kowdajee service to Gramadevate i.e., for the service of village deity before the devaru during the festive very year.

There is no entry in the Inam register to show how the Inam benefit in question was subsequently cancelled.

The connected papers are [illegible]

"C O P Y"

For Muzrai Commissioner.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Read :—

Letter No.1021/34-35 dated 6th April 1935 from the Commissioner in Lymore reporting [illegible] tenure of No.81 of [illegible]

Order No. 98-101 / Mez 289-34-2

[illegible]

3-8.

It is reported by the [illegible] about the year 1881 A.D. [illegible] assessed was 8, the [illegible] in 1385-86 and that it [illegible] the original hatedar [illegible] on 18th October 1932. [illegible] actual enjoy[illegible] temple [illegible] the [illegible] land. [illegible] ginal survey [illegible] land. [illegible] ever though [illegible] land. [illegible] revenue [illegible].

[illegible]

[illegible]

[illegible]
[illegible]
[illegible]
[illegible]

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Read :—

Letter No.1021/[illegible]

sioner in [illegible]

tenure o[illegible]

or [illegible]

Order No. 98-104/Mes 289-34-2

3—8—35

[illegible]

.....

.....

.....

Diary No. of letter replied to .....

Section Muz

File No. 288-34

Serial No. 2

General and Revenue Secretariat

( )

the *193* .

Proceedings of the Government of His Highness the Maharaja of Mysore.

Date of issue ....9....8.....193 5.

Read— Letter no 1021/34-35 dy 6/4/35 from the D.C. requesting sanction to the ~~following proposals for the~~ Cancellation of the Inam Lease of S. No. 81 ~~owned~~ of Pavagada Dk. ~~dowed~~ to the temple of ~~the~~ Grama devathe at ~~Order thereon.—No~~ Pavagada.

Mr B. Neeladrishnappa.

Signed by .....

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette, English Part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette Kannada Part ?

order no 98-104 dy 1st Feb 1935 M.C.

It is reported by the D.C., Tumkur dt., that about the yr 1880 S. No. 81 ref. to above was brought under assessed lands there being no claimants

~~the Name of one Reg~~

in 1883-86 and that

was subsequently changed hands,

~~on 23-2-1907 to Ramaya~~,

the eldest son of the original

Dhatedar ~~was offered~~ having sold it to

~~the Jamabandi officer~~,

~~finally the State of the Name~~

~~Land stood in the Name~~

~~of~~ one Mr. Sankara Selly

of Pavagada on 18/10/1922

~~as for a Vazgabaji~~

~~Application - But for the~~

~~defendant~~ the Sanjivasetty who is List of Enclosure

of Pavagada, now in actual

enjoyment of the land has

refused to restore it to

the land to the temple,

as he purchased the land it

and spent a large amount to improve it

~~from one Ramaya~~, ~~and on the~~ Copied by

Reserve ~~Patel~~ Official Patrick it is Examined by

~~and~~ I know from the Inam Register as

Government land.

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

~~State~~ The original and re-survey
Joridar Patrikas contain no information
the land;
about it - ~~In these circumstances~~
The D.g. Comr. Trincomalee Sd. and
the A.C. ~~the Dist. has~~ Tamblegam recommend the
Cancellation of the Grant
Reserve of the land, and the
~~A.C. has solicited sanction~~
~~to his recommendation~~ =
In the circs, I am ~~of~~ Opinion that
Sanction the ~~land~~.
~~proposed~~ recommendation
2/1317
Forgn Sec
T.O

The A.C. Batticaloa
The Govt
The R.C.
The Surveyor General
Records. Colombo
The Honorable
Colonial Secretary
Govt 3/18